

REMARKS

Claims 1-6, 8, 9, and 12-22, and 25-39 are pending in the application. Claims 1-3, 8, 9, 12-14, 20, 25, 26, 29, 38 and 39 have been amended. Claims 7, 10-11 and 23-24 have been cancelled. In view of the following remarks, Applicants respectfully request reconsideration of the pending rejections and submit that all pending claims are in condition for allowance.

Claims 2-3, 6-19, 25 and 29 have been objected to because of various informalities. The objections to claims 7, 10 and 11 are moot, since these claims have been cancelled. Regarding the objections to claim 2, this claim has been amended to remove the multiple alternative language “either” and “or” to clarify which limitations are comprised within the alternatives.

Regarding the objections to claim 3, this claim has been amended to recite the term “electrodes”, to conform claim 3 to the plural language of its base claim 1. The other minor issues pointed out by the Examiner have also been addressed.

Claim 6 has been amended as suggested by the Examiner.

Regarding claims 8 and 9, these claims have been amended to eliminate the “acting as” limitations to clarify that the restriction unit comprises the inter-leg distance input unit (claim 8) and comprises the impedance measuring unit (claim 9). These amendments are supported, for example, at Fig. 1 of the application and the corresponding description.

Regarding claim 14, this claim has been amended to recite the term “frames” to conform claim 14 to claim 13, from which it depends.

Regarding claims 15-19, these claims are now in proper multiple dependent form, since multiple dependent claims 12 and 13, from which they originally depended, have been amended to eliminate their multiple dependency.

Regarding claims 25 and 29, these claims have been amended as suggested by the Examiner to eliminate their antecedent basis problems.

Applicants believe these amendments are fully responsive to the Examiner's concerns.

Claims 1, 3, 6, 10, 15-24, 26, 28, 34-35 and 38-39 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,850,798 (Morgan). Claims 20-22 and 26-39 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,478,736 (Mault). Claims 4-5 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Morgan in view of U.S. Patent No. 5,810,742 (Pearlman). Claims 7-9 and 11-14 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Morgan in view of U.S. Patent No. 4,170,961 (Rosenberg). Claims 23-24 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Mault in view of Morgan. Claim 25 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Mault in view of Morgan further in view of U.S. Patent No. 6,643,542 (Kawanishi). These rejections are respectfully traversed. Applicants hereby request reconsideration and allowance of the claims in view of the following arguments.

Regarding the rejections of claims 10 and 11, these rejections are moot, since claims 10 and 11 have been cancelled.

Regarding the rejections of independent claim 1, this claim has been amended to recite a restriction unit configured to place and keep at least one of the chest, abdomen and roots of the legs of the animal in position, and to measure and enter the weight of the animal. Claim 1 has been further amended to recite that the restriction unit includes a lift unit for changing a height of the restriction unit for restricting the animal such that the legs of the animal are not in contact with any part of the health care system other than the restriction unit. These amendments are supported, for example, in original claim 7, which has subsequently been cancelled, and at page 16, line 23 to page 17, line 21 of the present application.

Morgan does not disclose or even suggest the recited restriction unit of amended claim 1. Morgan does not disclose or suggest any kind of restriction unit. Therefore, Morgan does not

anticipate amended claim 1, and it would not have been obvious to modify the device of Morgan to add the claimed restriction unit.

Consequently, amended claim 1 is patentable over Morgan, as are claims 3, 6, and 15-19, which depend from claim 1.

Original dependent claim 7, whose limitations are now included in amended independent claim 1, was rejected as being obvious over Morgan in view of Rosenberg. Applicants disagree, and submit that amended claim 1 is not obvious over Morgan and Rosenberg, because neither of these references teaches or suggests amended claim 1's restriction unit configured to place and keep at least one of the chest, abdomen and roots of the legs of the animal in position, and having a lift unit for changing a height of the restriction unit for restricting the animal such that the legs of the animal are not in contact with any part of the health care system other than the restriction unit. The recited restriction unit is advantageous because it enables the animal to be "floated", as shown in Figs. 2 and 3 of the present application, so that the limbs of the animal are free and the animal can therefore apply no power to the limbs. As a result, movement of the limbs can be limited, preventing the animal from acting suddenly or violently.

In contrast, the Morgan reference does not teach or suggest a restriction unit, and the restriction unit of Rosenberg does not meet the limitations of amended claim 1, because it allows the animal's legs to contact other parts of its health care system (e.g., platform 8). Moreover, the lift unit 4 of Rosenberg does not change a height of the restriction unit *for restricting the animal such that the legs of the animal are not in contact with any part of the health care system other than the restriction unit*, as required by amended claim 1. Rosenberg's lift unit 4 simply moves in unison with its restriction unit 2. Motion of lift unit 4 does not affect restriction of the animal in any way, and changing the height of restriction unit 2 does not affect the way the animal's legs contact the health care system.

Since neither cited reference teaches or suggests the recited restriction unit, any Morgan/Rosenberg combination, however made, would still be missing this claimed feature. Moreover, it would not have been obvious to modify any Morgan/Rosenberg combination to yield the invention of amended claim 1. As is apparent from the figures of Rosenberg, if Rosenberg's device were combined with that of Morgan, it would be necessary to capture the animal using at least two people, to make the legs of the animal contact the electrodes, even if the neck of the animal were to be held. This would be a cumbersome procedure. Any such Morgan/Rosenberg combination would not have the advantages or features of the claimed invention.

Consequently, amended claim 1 is patentable, as are claims 3, 6, 8, 9 and 12-19, which depend from claim 1.

Regarding the obviousness rejections of dependent claims 4 and 5 based on Morgan and Pearlman, the Pearlman reference does not furnish the restriction unit of amended claim 1, from which claims 4 and 5 depend, missing from Morgan. Therefore, any Morgan/Pearlman combination, however made, would be missing this important claimed feature, and it would not have been obvious to add this feature to any Morgan/Pearlman combination.

Consequently, claims 4 and 5 are patentable.

Regarding the anticipation of independent claim 20 based on Mault, this claim has been amended to recite a body temperature correction factor derivation unit that derives a body temperature correction factor based on at least one of a kind of dog and a body build of the dog. These amendments are supported, for example, in original claims 23 and 24, which have subsequently been cancelled.

Mault does not disclose or even suggest the recited body temperature correction factor derivation unit of amended claim 20. Therefore, Mault does not anticipate amended claim 20,

and it would not have been obvious to modify the device of Mault to add the claimed body temperature correction factor derivation unit.

Consequently, amended claim 20 is patentable over Mault, as are claims 21, 22 and 26-39, which depend from claim 20.

Original dependent claims 23 and 24, whose limitations are now included in amended independent claim 20, were rejected as being obvious over Mault in view of Morgan. Applicants disagree, and submit that amended claim 1 is not obvious over Mault and Morgan, because neither of these references teaches or suggests amended claim 20's body temperature correction factor derivation unit. The Examiner contends that Morgan discloses the limitations of original claims 23 and 24; however, this is not correct. Morgan does not relate to body temperature. Morgan describes a correlation between body fat rate and impedance, but does not discuss or even refer to body temperature. Therefore, Morgan cannot teach or suggest the recited body temperature correction factor derivation unit that derives a body temperature correction factor based on at least one of a kind of dog and a body build of the dog.

Since neither Mault nor Morgan teach or suggest the recited body temperature correction factor derivation unit, any combination of Mault and Morgan, however made, would still be missing this important claimed feature, and it would not have been obvious to add this feature to any Mault/Morgan combination.

Consequently, amended independent claim 20 is patentable, as are claims 21, 22 and 26-39, which depend from claim 20.

Regarding the obviousness rejections of dependent claim 25 based on Mault, Morgan and Kawanishi, the Kawanishi reference does not furnish the body temperature correction factor derivation unit of amended claim 20, from which claim 25 depends, missing from Mault and Morgan. Therefore, any Mault/Morgan/Kawanishi combination, however made, would be

missing this important claimed feature, and it would not have been obvious to add this feature to any Mault/Morgan/Kawanishi combination.

Consequently, claim 25 is patentable.

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Michael A. Messina
Registration No. 33,424

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 MAM:llg
Facsimile: 202.756.8087
Date: August 4, 2006

**Please recognize our Customer No. 20277
as our correspondence address.**